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CLICK HERE FOR CEO'S REPORT DATED JULY 20, 2012



LEROY D. BACA, SHERIFF

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



May 25, 2012

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

Dear Supervisors:

**REPORT BACK FROM THE SHERIFF REGARDING PROPOSED POLICIES FOR
VIDEO SURVEILLANCE, INCLUDING PROVISIONS AND CRITERIA FOR
MAINTENANCE, STORAGE, ACCESS, RETRIEVAL, AND TRAINING**

On May 14, 2012, your Board requested that the Los Angeles County Sheriff's Department (Department) provide "an advance copy of the proposed policy prior to publishing and implementation as it relates to video surveillance, including the applicable provisions and criteria for the maintenance, storage, access, and retrieval processes, as well as training of personnel."

SHERIFF'S DEPARTMENT RESPONSE

Attached is a draft of the proposed policy you requested. Consistent with your request, the policy has not yet been published or implemented. This proposed policy was reviewed and approved by County Counsel. As a courtesy, the Department will wait for a response from your Board prior to formally implementing and publishing into the Department's Policy.

Should you have any questions or require additional information, please contact Commander James Hellmold at (213) 893-5003.

Sincerely,

LEROY D. BACA
SHERIFF

A Tradition of Service

EXECUTIVE SUMMARY

This revision of the Los Angeles County Sheriff's Department's Custody Division Manual (CDM) amends section 5-05/100.00, Video Recording Procedures of the CDM.

This proposed revision to the CDM supersedes all previous versions of this document.

This proposal was submitted by the Commander Management Task Force (CMTF), following working group meetings and legal consultation. For questions, concerns, or additional information contact Commander James Hellmold (213) 893-5002.

5-05/100.00 VIDEO RECORDING PROCEDURES

The Sheriff's Department utilizes video cameras in Custody Division to enhance safety and effectiveness for personnel in the performance of their duties, and to provide a reviewable electronic record of incidents.

Regardless of the method of recording, use of video equipment at a Sheriff's Department facility by personnel shall be restricted to law enforcement functions, and is subject to all applicable laws, policies and procedures.

Portable Video Cameras

Portable Video Cameras are handheld devices used to record incidents, interviews, crime scenes, and any other situation requiring an audio/visual accounting.

Recording Incidents with a Portable Video Camera:

Reasonable attempts shall be made to record all significant incidents with a portable video camera including, but not limited to, the following:

- Inmate disturbances,
- Cell extractions,
- Recalcitrant inmates,
- Application of restraints,
- Medical removals which pose a significant risk or have the potential to become violent,
- Use of force by Department personnel,
- Housing area or facility searches,
- Any incident/event which may pose risk management and/or liability issues,
- Emergency Response Team (ERT) activations, except for training exercises.

Video recording equipment shall only be used by trained personnel who have successfully completed the "Video Operator Course" presented by the Training Unit -

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PROPOSED CUSTODY DIVISION MANUAL REVISION**

CSS#212190

Custody Division. The training sergeant at each unit shall maintain a list of trained personnel.

A designated video operator shall respond to the incident and begin recording, using the wide angle field of view. Since the first obligation of on scene supervisors is safety, and leadership of personnel, supervisors should not assume the role of video operator under most circumstances. The video operator shall state the date, time, their name, rank, employee number, location, and provide factual narrative during the incident, i.e., "watch commander is on scene," "Emergency Response Team is on scene," name civilians on scene such as a nurse or mental health clinician evaluating the inmate, "facility is on lock down," and any necessary details about the incident. Only factual information shall be narrated while recording on video.

Once recording on video has begun, it shall not be paused or stopped until the entire incident has been brought to completion in order to establish a time line for the incident. If a battery, tape, or memory storage device change becomes necessary, the video operator shall re-introduce his/her name, rank, employee number, time and state the reason for the interruption. The video tape or memory storage device should include documenting injuries, evidence, emergency medical treatment, and statements by all concerned parties.

In the case of emergency medical treatment, recording on video shall continue after medical staff arrives and during the course of medical treatment, until the inmate is completely stable, no longer resisting, and the medical staff has completed their tasks. Outside medical personnel, rendering aid, while inside a County jail facility, shall also be recorded on video until they leave the facility.

When documenting inmate injuries, all inmates in or near the incident should be captured on video. When documenting a large inmate disturbance, the incident commander should be recorded on video directing inmates with injuries to come forward. A deputy should state the inmate's name, booking number, and housing location.

The inmate should describe his/her injury(s) and how it occurred. The injury(s) should be thoroughly recorded on video.

Because the dynamics of an incident are constantly changing, the video operator should periodically pan around the entire area to show as much of the surroundings as possible, personnel present, and conversations between inmate(s) and personnel. Whenever possible, only the on scene supervisor should make the decision when to stop recording.

Fixed Video Surveillance

Fixed Video Surveillance are cameras permanently or temporarily mounted at designated locations to continuously record all activities.

The primary objectives of fixed video surveillance in Custody operations are the following:

- Record/Document events as they occur
- Provide real-time intelligence for Department personnel
- Provide video evidence of actions by inmates and staff
- Produce a deterrent effect against inmate violence
- Post-incident analysis of jail operations

Handling and Retention of Video Recordings

Department personnel shall make immediate notification to the watch commander when they become aware of a significant incident, which may have been captured on video. The watch commander shall determine if a significant incident was captured on video, and review the video as soon as reasonably possible. Department personnel may review the video in order to detail his/her actions, unless there is evidence of misconduct on video, if the involved employee's account of the incident is not consistent with the video, or if the involved employee failed to make proper notifications of an incident as required by Department Policy. Only the watch commander or unit commander may authorize video footage to be copied or reviewed.

If the watch commander determines a recording may have evidentiary value, or should be preserved by the Department for official use, the recording shall remain on the server and saved to a video medium, such as a CD or DVD. A copy of the video shall be retained in accordance with applicable laws, Department policies and procedures regarding handling of video and/or evidence.

Copies of video on CD, DVD, or memory storage device shall be properly labeled with the following:

- Inmate's name and booking number,
- URN number, Reference number, and/or Administrative Case Number,
- Date, time, and location of incident,
- Brief description of incident,
- Name, rank, and employee number of video operator, or person who created CD or DVD if incident captured on a fixed surveillance system.

Incidents not associated with an URN or Reference Number, recorded on video, shall be held at the discretion of the watch commander, but no less than 25 months. Fixed video surveillance cameras will be recorded continuously and retained in electronic

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PROPOSED CUSTODY DIVISION MANUAL REVISION**

CSS#212190

storage devices for no less than 25 months, unless otherwise directed in writing by the Custody Division Chief.

If there are no video trained personnel on-duty to retrieve a recording, the watch commander shall notify the unit commander and the Video Equipment Manager of the following:

- Request to save potentially recorded video footage onto a DVD or CD
- Date, time, URN/Administrative Case Number
- Description of the incident
- Description of what may have been recorded on the surveillance system
- Location of the incident and specific surveillance cameras which may have recorded the incident

The requesting watch commander shall follow up to ensure the requested surveillance recording is saved and retained in accordance with established procedures as described above. The watch commander shall ensure that all reportable incidents clearly document whether or not an incident was captured on video.

Unit Commander Responsibilities

Unit commanders shall develop and implement procedures for video recording significant incidents occurring at their facility, and ensuring proper handling and preservation of video, as prescribed by Department Policy. The unit commander shall designate a sergeant to be the Video Equipment Manager to ensure the maintenance of all video recording equipment and video storage devices.

General Video Equipment Inspection

Watch commanders shall ensure all video recording equipment is inspected once per shift and noted in the Watch Commanders Log. This requires the watch commander to ensure that personnel who use video equipment inspect their devices at the beginning of each shift to confirm the following:

- All video recording equipment is accounted for,
- All equipment is working properly,
 - Necessary repairs are documented and the proper paperwork completed and forwarded to the designated person.

Portable Video Equipment Inspection:

- A minimum of two batteries per camera is recommended; all batteries shall be recharged at least once per week whether used or not, and shall not be left in the charger.

- The camera should be pre-set to record in the "SP" or high quality record mode, and should be pre-set not to record the time and/or date; the video operator shall document this verbally when recording begins,
- There should be a blank tape or memory storage device (with a blank label attached to it) in the video camera and at least two additional blank tapes or memory storage devices available at the beginning of each shift,
 - The video tape or memory storage device in the portable camera should be capable of recording 120 minutes of video in the "SP" record mode.
- The portable video equipment inspection shall be documented in the housing unit's Uniform Daily Activity Log.

Fixed Video Surveillance Equipment Inspection

- The designated Video Equipment Manager shall ensure all high-definition cameras are recording at no less than 5 frames per second (FPS), with picture resolution no less than 720p, unless otherwise directed in writing by the Custody Division Chief;
- The watch commander shall confirm all surveillance cameras are properly functioning and recording at the beginning of each shift;
- The watch commander shall document any malfunctions to the designated Video Equipment Manager;
- The fixed video equipment inspection shall be documented on the facility Watch Commander's Log

Questions regarding video operator procedures, training, video recording equipment, and requests for video editing or copies may be directed to the Custody Division Headquarters Training Video Unit at (213) 893-5171.

Revised 05/22/12
Revised 06/29/11
12/10/01 CDM



LEROY D. BACA, SHERIFF

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



June 14, 2012

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

Dear Supervisors:

**REPORT BACK REGARDING JOINT RECOMMENDATIONS FROM THE
SHERIFF, CHIEF EXECUTIVE OFFICE, AND COUNTY COUNSEL REGARDING THE
QUALITY AND LENGTH OF STORED VIDEO FOOTAGE AND ASSOCIATED COSTS**

On May 15, 2012, your Board requested that the Los Angeles County Sheriff's Department (Department) provide "a joint report and recommendations in 30 days on the video data storage, specifically, the length of storage, quality of data, and any associated costs and funding options, if necessary."

SHERIFF'S DEPARTMENT RESPONSE

Consistent with recommendations by County Counsel, the Office of Independent Review (OIR), and Merrick Bobb, the Department is currently storing video recordings for a period of 25 months. The recommendations were based on State statutes [California Government Code Sections 34090.6(a), 34090.7 and 26202.6(a), etc.] mandating a video storage period of 12 months, and Federal statutes allowing person(s) to file a Federal lawsuit for up to 24 months. In order to comply with recommendations regarding video storage and remain within its existing budget, the Sheriff's Department is currently recording and storing video at five frames per second (FPS).

The Department's Technical Services Division (TSD) conducted a demonstration to show the difference between video footage at five FPS and ten FPS. While the video recorded at ten FPS was better, the reduction in quality was minor and only recognized during incidents with extremely fast motion. In most instances, the use of video at five FPS would be acceptable. The slower frame speed could be a factor if technicians were required to break down an incident frame by frame.

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The decision regarding video quality is financial. If funding were not an issue, the Department, CEO, and County Counsel would obviously prefer to have all video recorded and stored at ten FPS. Recognizing the economic circumstance of Los Angeles County, we have jointly developed two options for your consideration:

OPTION 1:

- Storage:** 25 months storage at 5 FPS and 720p
- Cost:** \$2 million (existing funds—no additional funds required)
- Pros:** Cost efficient
Long-term storage of video
Excellent resolution to identify persons involved
- Cons:** Could prevent frame by frame analysis during extremely fast motions

OPTION 2:

- Storage:** 25 months at 10 FPS and 720p
- Cost:** \$4 million total (\$2 million existing + \$2 million additional funding)
- Pros:** Excellent video quality
Excellent resolution to identify persons involved
Long-term storage of video
- Cons:** Additional funding required (approximately \$2 million)

Another option initially considered by the Department was storage of video for 14 months at ten FPS (Option 3). This option was based on the Board of Supervisors' policy adopted on June 29, 1999, which authorized the Department to discard all video after a 14-month period. It was deemed not viable because it failed to meet the 25-month criteria recommended by County Counsel, OIR, and Merrick Bobb.

OPTION 3:

- Storage:** 14 months at 10 FPS
- Cost:** \$2 million (existing funds—no additional funds required)

Pros: Cost efficient

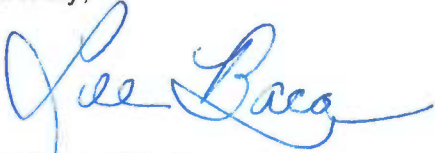
Good quality video for long-term storage

Lesser burden on the Department's Data Network

Cons: Reduced amount of long-term storage

Should you have any questions or require additional information, please contact Commander James Hellmold at (213) 893-5003.

Sincerely,

A handwritten signature in blue ink, appearing to read "Leroy Baca", with a stylized, cursive script.

LEROY D. BACA
SHERIFF



County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, California 90012
(213) 974-1101
<http://ceo.lacounty.gov>

WILLIAM T FUJIOKA
Chief Executive Officer

July 20, 2012

To: Supervisor Zev Yaroslavsky, Chairman
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

Board of Supervisors
GLORIA MOLINA
First District

MARK RIDLEY-THOMAS
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

FUNDING OPTIONS FOR CLOSED CIRCUIT TELEVISION VIDEO DATA STORAGE (ITEM 63, AGENDA OF MAY 15, 2012)

On May 15, 2012, the Board requested that the Sheriff's Department (Department), Chief Executive Office (CEO), and County Counsel provide a joint report and recommendations within 30 days on video data storage, specifically, the length of storage, quality of data, and any associated costs and funding options, if necessary.

In Fiscal Years (FY) 2010-11 and 2011-12 approximately \$7.7 million in funding was provided to the Department to install Closed Circuit Television (CCTV) at the Men's Central Jail and Twin Towers Correctional Facility; of which approximately \$2 million has been set aside to upgrade the Department's video data storage system.

On June 14, 2012, the Department, with CEO and County Counsel's concurrence, submitted the attached report back that contained two video data storage options for the Board of Supervisors' consideration: OPTION 1 - 25 months of video data storage at five frames per second (FPS) and OPTION 2 - 25 months of video data storage at ten FPS. No additional funding is needed to implement OPTION 1. However, if OPTION 2 is selected an additional \$2 million in one-time funding is required. Potential funding sources have been identified as follows.

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FUNDING SOURCES:

1. Additional Net County Cost

Year-end closing for FY 2011-12 will be completed on August 24, 2012, at which time the CEO can determine if sufficient Department year-end savings and/or Countywide fund balance is available to implement OPTION 2. A final recommendation regarding this option will be presented to the Board during the Supplemental Changes budget phase.

2. Provisional Financing Uses Account

Currently, \$2.6 million in ongoing funding resides in Provisional Financing Uses (PFU) for the Department's Countywide Electronic Monitoring Program (EMP). The Department is currently preparing a Request for Proposal for EMP services and at this time does not anticipate the use of these funds in FY 2012-13. The Department indicates all costs associated with providing EMP services for the County's general population will be absorbed within their existing budget and AB109 funding will be utilized for the non-violent, non-serious, and non-sexual (N3) offenders.

3. Other Charges Cost Savings

The Department is anticipating an approximate five percent or \$3.5 million in year-end savings in their Other Charges budget primarily due to a decline in capital lease costs. However, typically any savings realized in this appropriation category is used by the Department to address cost overages in employee benefits and/or one-time facilities maintenance needs within the Department. In addition, there are multiple significant lawsuits pending as a result of the recently filed claims of jail violence which the Department may be found either partially or wholly liable. If this funding source is recommended, the Department may have to identify curtailments in other areas in order to fund the aforementioned operational costs.

4. Inmate Welfare Fund

Pursuant to Section 4025 of the California Penal Code, the Inmate Welfare Fund (IWF) provides for the benefit, education, and welfare of inmates confined within County jails. IWF receives revenue from several sources, including all sales of inmate hobby craft, vending machines, telephone commissions, and interest on deposited funds. In FY 2010-11, the Department expended \$31.4 million from IWF

Each Supervisor
July 20, 2012
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and estimates \$43.9 million in revenue for FY 2012-13. Using FY 2010-11 expenditures as a basis, potentially \$12.5 million may be available for use by the Department in FY 2012-13.

It should be noted, however, that the IWF balance is generally carried over to address expenses in the upcoming year. In addition, the Department often uses this fund to offset any foreseeable or unforeseeable inmate or jail-related expense that cannot be absorbed within the Department's operating budget.

Chief Executive Office Recommendation

Of the above identified funding sources, items 1 and 2 are recommended for consideration.

Should you have any questions or require additional information, please contact me or your staff may contact Jocelyn Ventilacion at (213) 893-9740.

WTF:GM:SW
JV:cc

Attachment

c: Sheriff
Executive Office, Board of Supervisors
County Counsel